

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

DAVID SANCHEZ, Individually and On §  
Behalf of All Others Similarly Situated, §  
§  
Plaintiff, §  
§  
v. § Civil Action No. 7:21-cv-203-DC-RCG  
§  
TNT CRANE & RIGGING, INC. §  
§  
Defendant. § FLSA Collective & Rule 23 Class Action

**SCHEDULING ORDER**

On this day, the Court considered the parties' Joint Scheduling Recommendations. (Dkt. 29.)

Having considered the parties' recommendations, it is hereby **ORDERED** that the parties shall conclude preliminary discovery related to Plaintiff's anticipated motion for notice to potential opt-in plaintiffs by **December 14, 2022**.

The Court finds that the following facts and legal considerations are relevant to the "similarly situated" analysis and are therefore proper topics for preliminary discovery:

1. Under what circumstances TNT did or did not pay its Midland crane operators for various preparatory and concluding tasks, including obtaining and loading fuel, diesel exhaust fluid (DEF), lubricants, water, ice, and other items onto their vehicles, and picking up and dropping off riggers at one of Defendant's yards or another designated location before driving to their jobsites or after returning from their jobsites;
2. Similarities and differences in TNT's Midland crane operator's alleged preparatory and concluding tasks;
3. Under what circumstances TNT did or did not pay its Midland crane operators for travel time;
4. Any policies TNT maintained related to payment for the above-referenced preparatory or concluding tasks or travel time;

5. The application of TNT's travel time policies to its individual Midland crane operators;
6. Whether the above-mentioned tasks are compensable as "principal activities" under the Fair Labor Standards Act ("FLSA") and the New Mexico Minimum Wage Act ("NMMWA");
7. Whether the Midland crane operators' time spent on the above-mentioned tasks can be disregarded under the *de minimis* doctrine;
8. What portion, if any, of the Midland crane operators' travel time is compensable under the Employee Commuting Flexibility Act ("ECFA").
9. Similarities and differences in allegedly unpaid time by TNT's Midland crane operators.

Plaintiff shall file his motion for notice by **January 16, 2023**.

The Court will set a deadline to file joint scheduling recommendations for the remaining deadlines related to discovery on the merits after the Court rules on the motion for notice and after the notice and opt-in period, if any.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2022.

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RONALD C. GRIFFIN  
UNITED STATES MAGISTRATE JUDGE